

UNITED STATES DISTRICT COURT
for the
District of New Mexico



United States of America

v.

Atticus Johnson
(YOB 2002)Case No. **23 MJ 600**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 4, 2023 in the county of San Juan in the
 District of New Mexico, the defendant(s) violated:

Code Section
18 U.S.C. § 875(c)

Offense Description
Interstate communication of a threat to injure

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.


 FBI Special Agent Dustin Patterson
Printed name and title

Telephonically sworn and electronically signed.

Date: 04/04/2023


Judge's signature

City and state: Albuquerque, New Mexico

Hon. B. Paul Briones, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

ATTICUS JOHNSON
Year of birth: 2002

Case No. _____

AFFIDAVIT IN SUPPORT OF PROBABLE
CAUSE ARREST

AFFIDAVIT IN SUPPORT OF A PROBABLE CAUSE ARREST

I, Dustin Patterson, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been since May 2017. As such, I am a law enforcement officer of the United States and I am empowered by law to conduct investigations and to make arrests for criminal offenses. My current assignment is working as a Special Agent in Farmington, New Mexico, where I primarily investigate crimes that occur in Indian Country to include homicide, drug trafficking, aggravated assault, child sexual assault, kidnapping, and rape. Since joining the FBI, I received training at the FBI Academy in Quantico, Virginia and since the academy have completed numerous in-service trainings related to federal investigations. My training and experience as a Special Agent includes, but is not limited to, processing crime scenes, conducting surveillance, interviewing subjects and witnesses, writing affidavits, examining cellular telephones, managing confidential human sources, and collecting evidence.

2. Prior to being assigned to Farmington, New Mexico, I was a Special Agent in the Portland, Oregon field office, where I worked on the Clackamas County Interagency Task Force (CCITF). I have participated in numerous complex drug trafficking and money laundering investigations.

3. The information set forth in this affidavit has been derived from an investigation conducted by the Farmington Resident Agency of the FBI, the Navajo Department of Criminal Investigations (NNDICI), the Navajo Police Department (NPD), and/or communicated to me by other law enforcement officers and witnesses.

4. This affidavit is in support of criminal charges against subject, ATTICUS JOHNSON, in violation of 18 U.S.C. § 875(c), that is interstate communications containing a threat to injure the person of another.

INVESTIGATION

5. On April 3, 2023, Navajo Nation Criminal Investigator (CI) Wilson Charlie notified the FBI that JOHNSON had made multiple threats to use a firearm at Newcomb, Farmington, and Kirtland area schools. Later in the evening of April 3, 2023, CI Charlie informed the FBI that the Navajo Police Department (NPD) arrested JOHNSON in violation of tribal law for sending threatening communications. NPD officers arrested JOHNSON at his residence in Sheep Springs, New Mexico, San Juan County, at approximately 8:30 p.m. At the time of his arrest, Navajo Nation Police officers asked JOHNSON if he knew why he was being arrested and he responded with yes. NPD Officers asked JOHNSON about the threats. He indicated his account was hacked. During the arrest, NPD officers seized JOHNSON'S cellphone. NPD Officers received consent to search his bedroom. They did not find any firearms.

6. On April 4, 2023, the Navajo Nation notified the FBI that JOHNSON was given some medication because of his schizophrenia diagnosis and was released from custody.

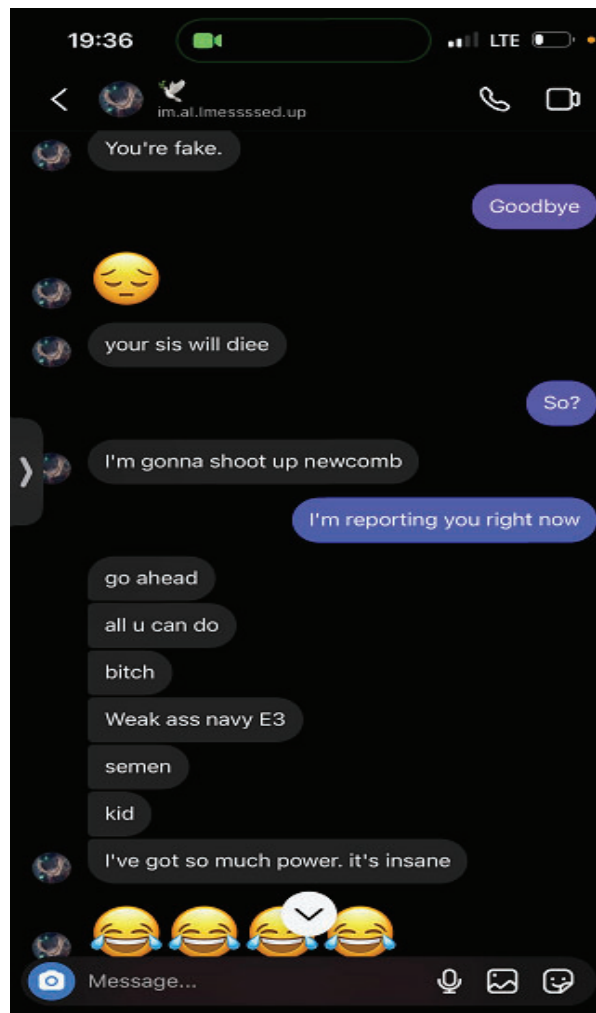
7. On April 4, 2023, I spoke on the phone with the original complainant C.H., hereinafter referred to as Witness 1. During the phone interview Witness 1 provided the following information:

8. On April 3, 2023, Witness 1 was contacted by her niece C.H., YOB 2002 hereinafter referred to as Witness 2. Witness 2 said a boy who she knew from middle school, JOHNSON, was making threats to her little sister. While threatening Witness 2's younger sister, JOHNSON also threatened that he was going shoot people at Newcomb High School where Witness 2's younger sister attends school.

9. Following my conversation with Witness 1, I called Witness 2. Witness 2 provided the following information:

10. Witness 2 is currently serving in the United States Navy and is stationed in Oceana, Virginia. On April 3, 2023, while in Oceana Virginia, Witness 2 was on Instagram and noticed that an old middle school classmate of hers, JOHNSON, had posted on his Instagram account about wanting to fight her as well as several other individuals. She messaged JOHNSON and asked why he wanted to fight her. The conversation escalated, and JOHNSON threatened to kill Witness 2's younger sister, C.H., YOB 2004 hereinafter referred to by Jane Doe, by sending the message, "your sis will diee." Later in the conversation, JOHNSON sent the message, "I'm gonna shoot up newcomb." Witness 2 believed this was a threat that JOHNSON was going to actively shoot people at Newcomb High School. Jane Doe attends school at Newcomb High School. A screenshot of that part of the Instagram chat message is shown in Image 1.

Image 1: Screenshot provided by Witness 2



11. Following the message exchange, Witness 2 blocked JOHNSON and no longer received any communications from him. The communication between Witness 2 and JOHNSON occurred at approximately 5:00 p.m. MST. Witness 2 believed JOHNSON was the user of the account because the account name reference “Atticus Johnson” and “Atticus” is used in in multiple locations. Witness 2 knows JOHNSON from when they went to middle school together. JOHNSON knows Witness 2’s Jane Doe goes to Newcomb High School. JOHNSON also knows Witness 2 is in the Navy.

12. On April 3, 2023, Newcomb High School Lead Safety Adviser K.A. received screenshots from multiple parents and others showing screenshots of threats made on Instagram by an account they believed is used by JOHNSON. I have reviewed a number of these screenshots and believe it is the same account because the images in the screen shots are the same images found on the Instagram profile, “im.al.Imessed.up”. During multiple message exchanges, the Instagram user presumed to be “im.al.Imessed.up” threatened people by name and also sent one message to username “elishawilsonn”, “I’m about to shoot up Newcomb. Fuck them bullies. Catch my AR-15 rounds. Gang gang.” The user of account “elishawilsonn” has yet to be identified, but screenshots of the Instagram message interaction was sent to Newcomb High School Lead Safety Adviser K.A..

13. On April 3, 2023, C.H., YOB 2004, hereinafter referred to as Jane Doe, was interviewed by NPD officers. During the interview, Jane Doe said “a while ago” while JOHNSON was waiting to change buses at Newcomb High School. JOHNSON was “talking trash” about her sister, WITNESS 2, being in the military. Jane Doe told JOHNSON to stop talking bad about her sister. Jane Doe said she has had no other disputes with JOHNSON.

14. Based on the facts, I have probable cause to believe, and I do believe JOHNSON violated 18 U.S.C. § 875(c), interstate communications containing a threat to injure the person of another. There is probable cause to believe that the Instagram account “im.al.Imessed.up” belongs to and was used by JOHNSON based on the identifiers “Atticus” and “Atticus Johnson” referenced in his Instagram user account names, as well as the fact that the posts and messages sent by the account specifically reference facts that are personally known by JOHNSON. The messages reference Witness 2 being in the military and threaten Jane Doe, who JOHNSON knows is Witness 2’s younger sister and attends Newcomb High School. I believe that JOHNSON used the account

to transmit threatening messages regarding Jane Doe and Newcomb High School from Sheep Springs, New Mexico because JOHNSON was arrested at his home in Sheep Springs, New Mexico a short time after the messages were sent. The messages were transmitted in interstate commerce based on the fact they were sent to WITNESS 2 who is currently serving in the United States Navy and is stationed in Oceana, Virginia.

CONCLUSION

15. Based on the information provided in this affidavit, I have probable cause to believe and I do believe that on April 3, 2023, JOHNSON was within the District of New Mexico, when he sent messages threatening a school shooting at Newcomb High School and specifically threatened Jane Doe in violation of 18 U.S.C. § 875(c), that is interstate communications containing a threat to injure the person of another. Your Affiant swears this information to be true and correct to the best of his knowledge and belief.

16. Supervisory Assistant United States Attorney Elisa Dimas, United States Attorney's Office, District of New Mexico, reviewed this complaint.

Respectfully submitted,



Dustin Patterson
FBI Special Agent
Farmington, New Mexico

Subscribed and sworn to
Before me this 4th day
Of April 2023. h



The Honorable B. PAUL BRIONES
United States Magistrate Judge